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August 30, 2021

Honorable Glenn T. Suddaby
Federal Building and US Courthouse
PO Box 7367
Syracuse, NY 13261

Delivered via ECF

RE: Estate of Bianca Devins v Oneida County, et al. 6:21-cv-00802-GTS-ATB Joint Request for Conference

Dear Judge Suddaby:

We represent Plaintiff Estate of Bianca Devins in the above-referenced matter. We submit this letter request for a conference, joined by David H. Walsh, Counsel for Defendants Oneida County, Oneida County District Attorney's Office, and Scott D. McNamara, (collectively "Parties") and Thomas B. Sullivan, Counsel for Non-Party CBS Broadcasting Inc. ("CBS") in reference to the August 30, 2021 Stipulation and Order Regarding Certain Material Received by CBS Broadcasting Inc. from Oneida County District Attorney's Office (Dkt No. 23 and enclosed) ("August 30, 2021 Stipulation").

In the August 30, 2021 Stipulation, Parties and CBS propose the Court act as the custodian of certain material relevant to the case that plaintiff claims may not be lawfully possessed.

The parties, along with CBS (and potentially other non-parties similarly situated) request a conference with the Court to discuss the mechanics of implementing the stipulation, including such factors as the method of transport, safekeeping, privacy, the designation of the material as being under protective order and not part of the public file, and limited access by counsel to review and inventory the material.

Respectfully submitted,

/s/ Carrie Goldberg
Carrie Goldberg
*Attorney for Plaintiff Estate of
Bianca Devins*

David H. Walsh
*Attorney for Defendants Oneida
County, Oneida County District
Attorney's Office, Scott D.
McNamara*



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Thomas B. Sullivan
*Attorney for Non-Party CBS
Broadcasting Inc.*

Encl.



C.A. GOLDBERG

PLLC, NEW YORK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

X	X	
ESTATE OF BIANCA DEVINS, Plaintiff,	:	Case No. 6:21-CV-0802
v.	:	STIPULATION AND ORDER
ONEIDA COUNTY, ONEIDA COUNTY DISTRICT ATTORNEY'S OFFICE, SCOTT D. MCNAMARA, JOHN DOES 1-20 Defendants.	:	REGARDING CERTAIN MATERIAL RECEIVED BY CBS BROADCASTING INC. FROM ONEIDA COUNTY DISTRICT ATTORNEY'S OFFICE
X	:	X

Plaintiff, Estate of Bianca Devins; Defendants Oneida County, Oneida County District Attorney's District Attorney's Office and Scott D. McNamara; and non-party CBS Broadcasting Inc., by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, Plaintiff, the Estate of Bianca Devins ("Estate"), has brought suit against defendants Oneida County, the Oneida County District Attorney's Office ("the DA's Office"), Scott D. McNamara and John Does 1-20 (collectively "the Defendants") for alleged violations of 18 U.S.C. §§ 2252A and 2255 and for negligence and negligent supervision ("the Claims");

WHEREAS, the Claims are based in part on allegations that Defendants gave to the media and public "sex and murder videos" and "nude images" of Bianca Devins ("the Material");

WHEREAS, Plaintiff has alleged that Defendants released the Material to CBS;

WHEREAS, CBS acknowledges the receipt from the DA's Office of an external drive containing the "murder video," additional images of Bianca Devins and other evidence ("Evidence from the DA"); and

WHEREAS, the parties to this Stipulation, E/O Bianca Devins, Oneida County, Oneida County District Attorney's Office, Scott McNamara and CBS Broadcasting Inc., wish to preserve the Evidence from the DA;

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND HEREBY, AND SUBJECT TO THE WILLINGNESS, GENEROSITY, AND RESOURCES OF THE COURT, CBS and the Parties, through their counsel, hereby AGREE as follows:

1. CBS shall submit to the Court for safekeeping and disposition the external drive containing the Evidence from the DA as it was received from the DA's Office.
2. CBS avers that
 - a. the external drive contains the Evidence from the DA as it was delivered to CBS on or about April 25, 2020; and that
 - b. Evidence from the DA comprises the entirety of the evidence ever in CBS' possession depicting murder, sex, or nude images of Bianca Devins; and that
 - c. none of the Evidence from the DA copied from that drive by CBS ("Copies") has been distributed outside of CBS.
3. CBS agrees to use reasonable efforts to keep any Copies secure within CBS, except as described in Paragraph 4 below.
4. CBS agrees it shall use reasonable efforts to destroy the "sex and murder videos" or any nude image of Bianca Devins and to retain no duplicates. For the avoidance of

- doubt, nothing in this Stipulation shall limit or prevent CBS from broadcasting or disseminating excerpts of other materials copied from Evidence from the DA.
5. Nothing in this Stipulation shall be deemed an admission by CBS or Defendants that any of the Evidence from the DA contains images that would be deemed pornographic, either under federal or state child pornography laws or any other statute or law.
 6. The parties agree that they will use reasonable efforts to avoid seeking to include CBS or any of its affiliated companies or their employees in any order for relief entered by this Court.
 7. The parties agree to negotiate in good faith before seeking the production of any potential evidence, other than the external drive referred to in paragraph one, above, from CBS or any of its affiliated companies or any of its or their employees.
 8. This stipulation shall not be used or relied upon by any party as evidence during any part of this proceeding, nor shall it be used or relied upon by any party on as proof of admission of any liability with respect to the claims asserted in this proceeding. Nothing in this paragraph is intended to nullify or modify any agreement made or obligation set out elsewhere in this Stipulation.

Dated: August 30, 2021

Respectfully submitted,

By: /s/ Carrie Goldberg
Carrie Goldberg, Esq.
Attorney for Plaintiff Estate of Bianca Devins

By: /s/ David H. Walsh
David H. Walsh, Esq.
*Attorney for Defendants Oneida County, Oneida
County District Attorney's Office, Scott D.
McNamara*

By: /s/ Thomas B. Sullivan
Thomas B. Sullivan, Esq.
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Attorney for Non-Party CBS Broadcasting Inc.

SO ORDERED:

Hon. Glenn D. Suddaby, C.J.

August ____, 2021